

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN,
and BTA BANK JSC,

Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR
KHRAPUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV S.A.,

Defendants.

No. 15-cv-05345-AJN-KHP

DECLARATION OF JONATHAN D. COGAN

Pursuant to 28 U.S.C. § 1746, I, Jonathan D. Cogan, declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of New York and before the United States District Court for the Southern District of New York. I am a partner at the law firm Kobre & Kim LLP (“Kobre & Kim”), counsel for Defendant Mukhtar Ablyazov in the above-captioned matter. I make this declaration in further support of our motion to withdraw as counsel to Mr. Ablyazov (Dkt. 351) and in response to the concerns raised by Plaintiffs City of Almaty, Kazakhstan and BTA Bank in their limited opposition to our motion to withdraw (Dkt. 361).

2. On July 27, 2017, I participated in a telephone conference with Mr. Ablyazov and his family’s longtime counsel, Peter Sahlas, Esq. Mr. Sahlas is an attorney based in Montreal, Canada. He is also admitted to practice law in New York. As I understand it, Mr. Sahlas has

represented Mr. Ablyazov and his family in relation to Mr. Ablyazov's French extradition proceedings and other matters in Europe. Mr. Sahlas has informed me that he speaks and understands Russian and that he routinely communicates with Mr. Ablyazov in Russian without an interpreter.

3. On the call, Mr. Ablyazov confirmed in Russian to Mr. Sahlas, who confirmed in English to me, the following:

- a. Mr. Ablyazov understands that he is a defendant in the above-captioned litigation brought by Plaintiffs in the United States District Court for the Southern District of New York.
- b. Mr. Ablyazov understands that he has been represented by Kobre & Kim during this litigation and that Kobre & Kim has moved to withdraw as his counsel due to non-payment of its legal fees.
- c. Mr. Ablyazov has decided again to try to find new counsel to represent him in this litigation but he has not yet done so.
- d. Even after Kobre & Kim's withdrawal, Mr. Ablyazov consents to have Kobre & Kim act as his agent solely for the purpose of receiving service of Court papers filed in the above-captioned litigation until he has retained new counsel to represent him in the above-captioned matter. Because Mr. Ablyazov does not read English, he requests (but does not demand) that Plaintiffs provide him with Russian-language translated copies or summaries of whatever they serve during the time period when he is unrepresented.
- e. Mr. Ablyazov expects to consent to a deposition in France under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial

Matters but wishes to consult with his new counsel (once retained) prior to actually doing so.

4. If permitted to withdraw, Kobre & Kim consents to serve as Mr. Ablyazov's agent solely for the purpose of receiving service of Court papers filed in the above-captioned litigation until he has retained new counsel to represent him in this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York, on this 1st day of August, 2017.

/s/ Jonathan D. Cogan
Jonathan D. Cogan